

### REMARKS

Claims 1, 2, 4, 6-16, 51 and 52-62 were rejected 35 U.S.C. § 102(e) as being anticipated by Crivella (U.S. Patent Publication No. 2004/0117404) in the final office action mailed December 12, 2008. The rejections of the final office action mailed December 12, 2008, were traversed in a response submitted Feb. 12, 2009. The Office disagreed with the traversals, however, and maintained the rejections in an advisory action mailed Mar. 10, 2009.<sup>1</sup>

By this response, claims 51 and 57 are amended and claims 1-16 have been cancelled. Claims 51-62 remain pending. Claims 51 and 57 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 0027-0030.<sup>2</sup>

Pending independent claims 51 and 57 were both rejected under 35 U.S.C. § 102 as being anticipated in view of Crivella.<sup>3</sup> The Applicants respectfully reiterate the arguments presented in the response filed Feb. 12, 2009. The arguments of the Feb. 12th response notwithstanding, however, the Applicants have now amended the pending independent claims and submit that Crivella fails to teach each and every element of the claims as they are now presented.<sup>4</sup>

In particular, Crivella fails to teach or suggest retaining the multimedia file in the computer-readable medium based at least in part on the selected schema. Crivella also fails to teach or suggest associating metadata with the multimedia file, the metadata comprising information establishing relationships with the multimedia file. Crivella also fails to teach or suggest including within the metadata file a confidence level indicating a degree of confidence that the metadata is actually associated with the multimedia file.

Both independent claims 51 and 57 incorporate the limitations, as noted above, which are not taught by Crivella. Because of these distinctions, *inter alia*, the Applicants submit that a rejection 35 U.S.C. § 102 as being anticipated by Crivella would be

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<sup>1</sup> Advisory Action (paper no. 20090302, Mar. 10, 2009).

<sup>2</sup> Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. 2005/0011271 (Apr. 28, 2005). It should also be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

<sup>3</sup> Office Communication p. 2 (paper no. 20081208, Dec. 12, 2008).

<sup>4</sup> Please also note that the Applicants have now cancelled the "platform" claim as previously presented in independent claim 1.

improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of the remaining independent claims (as well as the respective dependent claims) as they are now presented.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.<sup>5</sup>

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<sup>5</sup> Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 11<sup>th</sup> day of June, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", with a stylized flourish at the end.

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